MONTANA LEGISLATIVE HISTORY

Chapter 173 19 71

Bill H _____ S 61 Original bill & history ___C

NOT AVAILABLE

H. Committee on Judiciary		S. Committee on Judiciary	
Hearing Date(s) _____	___C	Hearing Date(s) _____	___C
_____	___C	_____	___C
2/19	✓C	2/3	✓C
_____	___C	_____	___C
Date Out 2/19	✓C	2/3	✓

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

SENATE JUDICIARY COMMITTEE MEETING--February 3, 1971

This meeting was held on ADJOURNMENT this day

The meeting was called to order by the Chairman, Senator Gilfeather.

IT WAS MOVED BY SENATOR MOORE THAT SENATE BILL 198 be AMENDED as was discussed by the committee. SENATOR TURNAGE SECONDED THE MOTION THAT THE AMENDMENTS BE ADOPTED. MOTION CARRIED. SENATOR MOORE MOVED THAT SENATE BILL 198, AS AMENDED, DO PASS. THIS WAS SECONDED BY SENATOR TURNAGE.

Senate Bill 95 was considered by the committee. MOTION BY SENATOR MOORE THAT IT DO NOT PASS, SECONDED BY SENATOR TURNAGE. SENATOR HAFFERMAN MOVED A SUBSTITUTE MOTION THAT IT DO PASS, SECONDED BY SENATOR STEPHENS. A roll call volte was taken and the result was that the SENATE BILL 95 was given a DO PASS.

Senate Bill 264 was brought before the committee. There was a MOTION BY SENATOR STEPHENS, SECONDED BY SENATOR TURNAGE that 264 DO NOT PASS.

Senate Bill 265 was presented to the committee again and it was given a DO NOT PASS, WITH MOTION BY SENATOR REHBERG, SECONDED BY SENATOR TURNAGE.

Senate Bill 266 was considered. MOTION BY SENATOR TURNAGE, SECONDED BY SENATOR STEPHENS THAT SENATE BILL 26 DO NOT PASS.

House Bill 98 was considered and Senator Turnage said he believes the age should be 19, rather than 18. Discussion by Senators Rehberg, Hafferman and Turnage. Senator Hafferman moved that House Bill 98 DO PASS. MOTION RESCINDED for purpose of amendment. Discussion here by Senators Stephens, Hafferman and Rehberg. Senator Turnage moved that amendments be made to this bill. It was Passed to raise it to age 19, moved by Senator Hafferman to reconsider, Senator Turnage seconded this move. Senator Turnage rescinded motion to amend drinking level to age 19. MOTION BY SENATOR HAFFERMAN, SECONDED BY SENATOR MOORE THAT HOUSE BILL 98 BE CONCURRED IN. THE MOTION WAS CARRIED.

Senate Bill 61 was brought to the attention of the committee. Senator Turnage moved to amend this bill in Section 1, page 1 of the introduced bill on line 24 following the word and punctuation "defendant," by inserting the words "after entry of plea"; Further amend Section 1, subsection (2), page 1, line 27, following the word "months" by inserting a period (.) and striking the remainder of line 27 and all of line 28. AND AS SO AMENDED, SENATE BILL 61 DO PASS.

☐ DO PASS
☐ DO NOT PASS
☐ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

February 3, 19 71

per Jan 12 Comm report attached, - do pass

Mr. PRESIDENT:

We, your committee on JUDICIARY

having had under consideration SENATE Bill No. 61

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 93-1703, R.C.M., 1947, PROVIDING FOR DISMISSAL OF ACTIONS."

SENATE 61

Respectfully report as follows: That Bill No.

be amended as follows:

Amend Section 1, subsection (2), page 1, line 24, following the word and punctuation "defendant," by inserting the words "after entry of plea";

Further amend Section 1, subsection (2), page 1, line 27, following the word "months" by inserting a period (.) and striking the remainder of line 27 and all of line 28.

AND AS SO AMENDED, DO PASS

DO PASS

February 19, 1971

JUDICIARY COMMITTEE'

The meeting was called to order in room 300 of the capitol on Friday, February 19 at 9 a.m. with Chairman Jeffrey J. Scott presiding. All members were present with the exception of Mr. Hall.

SENATE BILL 222 This bill had been heard yesterday, but state treasurer Alex Stephenson wished to make a statement in connection with this bill. He opposed this bill as he would lose one man in his office if this bill passed. There were no further witnesses. One question was asked and the hearing on this bill was closed.

SENATE BILL 189 Senator Rehberg gave an explanation of this bill which would allow reasonable attorney's fees for the successful recovery of damage for malicious destruction of property by persons under 18 from the parents. There were no further witnesses. No questions were asked and the hearing on this bill was closed.

SENATE BILL 60 Senator Deschamps from Missoula County gave a description of this bill, which would prohibit the possession of any key or device specifically designed to open or break any parking meter, coin telephone, or other vending machines dispensing goods or services and to increase the penalties therefor. Mr. Jack McDonald, representing the Mountain-Bell Telephone Company, gave a statement in support of this bill. Mr. Frank Freeburg, who is vice-president of the American Music Company in Great Falls, gave a statement in support of this bill. There were no further witnesses, questions were asked and the hearing on this bill was closed.

SENATE BILL 308 Senator Dzivi from Great Falls gave a description of this bill, which would provide for the voluntary payment of personal injury or property damage claims without such payment constituting an admission of liability. Mr. Jack McDonald gave a statement in support of this bill. No further witnesses appeared, questions were asked and the hearing on this bill was closed.

SENATE BILL 119 Mr. James Carden from the Industrial Accident Board, appeared in place of Senator McDonald on this bill, which would repeal chapter 6, title 41, R.C.M. 1947. There were no further witnesses, questions were asked and the hearing on this bill was closed.

SENATE BILL 61 Senator Turnage gave an explanation of this bill, which provides for dismissal of actions. There were no further witnesses, no questions were asked and the hearing on this bill was closed.

SENATE BILL 61 Mr. Greely moved that Senate Bill 61 be not concurred in. Mr. Towe made a substitute motion that this bill BE CONCURRED IN. Motion carried. Mr. Towe was assigned to carry this bill on second reading.

There b eing no further business, the meeting was adjourned.

Jeffrey J. Scott, Chairman

Alice Omang, Secretary

Waiver. Exception.

hardship, may disregard the foregoing provisions regarding notice, hearing or effective date. No hearing will be required for promulgation by reference of those regulations promulgated under the Federal Act *and the Fair Packaging and Labeling Act (15 U.S.C. 1451, et seq.).*"

Approved March 3, 1971

CHAPTER NO. 172

An Act to Amend Section 94-35-249, R.C.M., 1947, to Prohibit the Possession of Any Key or Device Specifically Designed to Open or Break Any Parking Meter, Coin Telephone, or Other Vending Machines Dispensing Goods or Services and to Increase the Penalties Provided by Section 94-35-249, R.C.M., 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 94-35-249, R.C.M., 1947, is amended to read as follows:

Use of slugs in coin operated equipment forbidden.

"94-35-249. **Vending or coin-operated machines — operation with counterfeit slugs, etc., forbidden.** Any person who, by means of any token, slug, false or counterfeited coin, or by any other means, method, trick or device whatsoever not lawfully authorized by the owner, lessee, or licensee of any lawful vending machine, coin-box telephone or other receptacle designed to receive or be operated by lawful coin of the United States of America in furtherance of or connection with the sale, use or enjoyment of property or service, knowingly shall operate or cause to be operated, or shall attempt to operate or attempt to cause to be operated, any lawful vending machine, coin-box telephone or other receptacle designed to receive or be operated by lawful coin of the United States of America, or whoever shall take, obtain, accept or receive, from or by means of any such machine, coin-box telephone or other receptacle, any article of value of service or the use or enjoyment of any telephone, telegraph or other facility or service, without depositing in, delivering to and payment into such machine, coin-box telephone or receptacle the amount of lawful coin of the United States of America required therefor by the owner, lessee or licensee of such machine, coin-box telephone or

Deposit of lawful coin required.

other receptacle, *and any person who possesses, with the intent to commit larceny, a key or device specifically designed to open or break any parking meter, coin telephone, or other vending machines dispensing goods or services,* shall be fined not more than two hundred dollars ($200.00), or imprisoned not more than sixty (60) days, or both."

Use of key or device prohibited.

Penalties.

Approved March 3, 1971

CHAPTER NO. 173

An Act to Amend Section 95-1703, R.C.M., 1947, Providing for Dismissal of Actions.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 95-1703, R.C.M., 1947, is amended to read as follows:

Court may order dismissal.

"95-1703. **Dismissal on motion of court or application of attorney prosecuting.** *(1)* The court may, either on its own motion or upon the application of the attorney prosecuting, and in furtherance of justice, order an action, complaint, information, or indictment to be dismissed. The reasons of the dismissal must be set forth in an order entered upon the minutes.

Court must order dismissal.

(2) The court, unless good cause to the contrary is shown, must order the prosecution to be dismissed in the following cases:

Not brought to trail within 6 months.

If a defendant, after entry of plea upon a complaint, information, or indictment charging a misdemeanor, whose trial has not been postponed upon his application, is not brought to trial within six months.

Bar if misdemeanor.

(3) An order for the dismissal of an action, as provided in this chapter, is a bar to any other prosecution for the same offense if it is a misdemeanor, but it is not a bar if the offense is a felony."

Approved March 3, 1971

CHAPTER NO. 174

An Act to Amend Section 92-701, R.C.M., 1947, to Raise Compensation Rates During the Period of Total Temporary Disability.